



## THE FORZANO LAW FIRM

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DOC #:  
DATE FILED: 07/05/2023

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June 30, 2023

### **Via ECF**

The Hon. James L. Cott, U.S.M.J.  
United States District Court, Southern District of New York.  
500 Pearl Street, Room 18A  
New York, NY 10007-1312

**Re:** Serena N. Hawkes and Michele Cimato v. Flaxville, LLC and David K. Chirchir  
Docket : 1:22-cv-06393-ALC-JLC

Dear Honorable Judge:

The office of the undersigned represents the plaintiffs Serena N. Hawkes and Michele Cimato, in the above-referenced matter. Please accept this letter as a joint status letter from the parties regarding the status of this matter as directed by the Order dated March 29, 2023, and seeking an extension of the deadlines that are set forth in that Order.

As directed in the last Order, fact discovery is complete, and both parties participated in a Mediation with the Court Mediation Program. This mediation was held on May 30, 2023. While unfortunately there was no resolution to the case on said date, there were very encouraging talks and movement for the first time since the cases inception. The insurance claims examiner for the defendants requested some time to "Round Table" this case and continue negotiations with the goal to settle this matter.

With this being contemplated, it is respectfully requested that the Court extend the date for expert disclosure until July 31, 2023, as both parties agree that there is a very good possibility that this case could resolve in the next two to three weeks. By obtaining experts before then, plaintiffs costs, and thus demand would have to increase, causing an impediment to settlement.

The completion of expert discovery will affect the following deadlines set forth in the Order of March of 2023: depositions of experts by June 10, 2023; motions by June 30, 2023, and a pretrial Order by September 12, 2023.

With regard to pretrial motions, the only anticipated pretrial motion at this juncture is a motion for summary judgment on the issue of liability to be filed by plaintiffs. The parties respectfully request that the dates in the prior scheduling order be extended as follows: depositions of experts to take place 30 days after plaintiffs' expert disclosure; pretrial motions to

be filed by August 30, 2023; and, by November 12, 2023, the parties are to submit a joint trial order.

The parties respectfully request the Court consider the attached proposed, revised scheduling order.

Yours Truly,

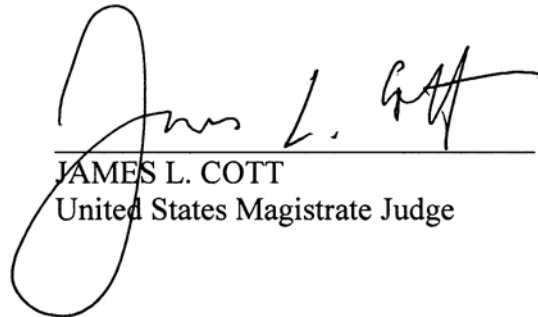
*Anthony Forzano*

**ANTHONY J. FORZANO ESQ.**

Application granted. No Further extensions.

**SO ORDERED.**

Dated: July 5, 2023  
New York, New York

  
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JAMES L. COTT  
United States Magistrate Judge